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HOGAN & HARTSON LLP
IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON DC 20004

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AUG 03 2005

OFFICE OF PETITIONS

In re Application of
Dean Boyd, Prashant Balepur, Henry Schwarz, Philip Apps, Ravishankar Nandiwada, Brian Monteiro, Thomas Guardino and Mark Cooke
Application No. 10/721,743
Filed: November 26, 2003
Attorney Docket Number: 82001-0397
Title of Invention: Configurable Pricing Optimization System

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(a) AND 37 CFR 1.183

This is in response to the renewed petition under 37 CFR 1.47(a) filed February 17, 2005 and supplemented March 4, 2005. The petition is properly treated as a petition under 37 CFR 1.47 and a petition for waiver under 37 CFR 1.183 of requirement for supplemental Declaration under 37 CFR 1.67 filed May 27, 2005.

The petition under 37 CFR 1.47(a) is GRANTED.
The petition under 37 CFR 1.183 is GRANTED.

Petition under 37 CFR 1.47

Petitioner has shown that the non-signing inventors Boyd, Guardino and Balepur have refused to join in the filing of the above-identified application after having been presented with the application papers. The petition and evidence presented shows that correspondence sent to the non-signing inventors was received and the non-signing inventors refuse to execute the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Petition under 37 CFR 1.183

Once an oath or declaration has been executed by an inventor the provisions of 37 CFR 1.47 no longer apply. Rather the remedy for treating an inventor's refusal to sign a supplemental declaration is waiver of 37 CFR 1.67. See MPEP 603. Nevertheless, it is appropriate to apply the principles of 37 CFR 1.47 thereof to the situation at hand. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate and on behalf of the non-signing inventor. See MPEP 409.03(a).

On petition, applicants have set forth the steps taken to obtain Schwarz, Apps and Monteiro signature on the supplemental declaration. Applicants have shown that a *bona fide* effort was made to present the supplemental declaration and supporting documentation to the inventors (Schwarz, Apps and Monteiro) for signature and that by her conduct, inventors have refused to execute the declaration. Under the circumstances, it is concluded that petitioner has demonstrated that this is an extraordinary situation requiring waiver of the rules.

This application does not have any Rule 1.47(a) status as to inventors Schwarz, Apps, Monteiro.

Petitioner has submitted a \$200.00 petition fee. The current petition fee is \$400.00. Pursuant to petitioner's request deposit account 50-1349 will be charged the \$200 difference towards the \$400.00 petition fee.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.



Charlema R. Grant
Petitions Attorney
Office of Petitions



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Prashandt Narayan Balepur
1606 Pala Ranch Circle
San Jose, California 95133

In re Application of
Dean Boyd, Prashandt Balepur, Henry
Schwarz, Philip Apps, Ravishankar
Nandiwada, Brian Monteiro, Thomas Guardino and LETTER
Mark Cooke
Application No. 10/721,743
Filed: November 26, 2003
Attorney Docket Number: 82001-0397
Title of Invention: Configurable Pricing
Optimization System

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OFFICE OF PETITIONS

Dear Mr. Balepur:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. § 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251 until September 24, 2004, thereafter (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant
Charlema R. Grant
Petitions Attorney
Office of Petitions

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Thomas E. Guardino
1033 Forrester Way
Eugene, Oregon 97401-5190

In re Application of
Dean Boyd, Prashant Balepur, Henry
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Nandiwada, Brian Monteiro, Thomas Guardino and Mark Cooke
Application No. 10/721,743
Filed: November 26, 2003
Attorney Docket Number: 82001-0397
Title of Invention: Configurable Pricing Optimization System

LETTER

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Dear Mr. Guardino:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. § 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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Dean Boyd
6425 Wagner Lane
Cottage Grove, Oregon 97424-9428

In re Application of
Dean Boyd, Prashant Balepur, Henry
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Nandiwada, Brian Monteiro, Thomas Guardino LETTER
and Mark Cooke
Application No. 10/721,743
Filed: November 26, 2003
Attorney Docket Number: 82001-0397
Title of Invention: Configurable Pricing
Optimization System

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Dear Mr. Boyd:

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